

# **EXHIBIT 4**

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 178

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

--oOo--

WAYMO LLC,

Plaintiff,

Case

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

\_\_\_\_\_/

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF ALEXANDER (SASHA) ZBROZEK

VOLUME II

WEDNESDAY, SEPTEMBER 6, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2693569

Pages 178 - 317



## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 209

1	A. No. I am asking you to define "low value."	14:38:00
2	Q. Those are your words.	14:38:03
3	A. So I will say that this is a very relative	14:38:06
4	thing. And Google data policies were designed with	14:38:14
5	code and user data in mind and were perhaps not the	14:38:18
6	greatest fit for the kind of data that we wanted to	14:38:20
7	store and that relative to instantly Google ending	14:38:28
8	data breaches, that the data that was in the	14:38:32
9	Subversion server would be considered of lesser value.	14:38:36
10	But by how much, I don't know; and in absolute terms,	14:38:40
11	I have no idea.	14:38:41
12	Q. All right. Bryan Salesky was your boss at	14:38:45
13	the time?	14:38:45
14	A. I don't think so.	14:38:47
15	Q. Who was Bryan Salesky to you at that time?	14:38:50
16	MR. BAKER: Objection to form.	14:38:51
17	THE WITNESS: I don't remember for sure, but I	14:38:53
18	think he was my skip-level manager.	14:38:57
19	BY MR. GONZALEZ:	14:38:57
20	Q. Somebody that you reported to?	14:38:59
21	A. Not quite. I had a manager that I reported	14:39:03
22	to. Bryan was not that manager. I don't remember the	14:39:08
23	org. chart exactly, especially in 2015, but I think	14:39:13
24	that my -- I think that Bryan was my manager's	14:39:22
25	manager, but that is all researchable.	14:39:25

1 BY MR. GONZALEZ: 15:04:39

2 Q. And then you wrote, "Doesn't ring the alarm 15:04:43

3 bells for me"; right? 15:04:44

4 A. I did write that. 15:04:47

5 Q. And it didn't ring the alarm bells for you, 15:04:51

6 did it? 15:04:52

7 A. I will say that, on its own, as a single 15:04:58

8 action in absence of context, pulling the Subversion 15:05:03

9 repository is not suspicious, but that as part of a 15:05:09

10 larger narrative, you know, suspicion may or may not 15:05:12

11 come into play, right. You know, if the logs -- if 15:05:18

12 the logs showed, you know, someone pulling information 15:05:23

13 and putting that information somewhere else and then 15:05:27

14 leaving the company, maybe that's suspicious. Maybe 15:05:29

15 just looking at the log files on their own isn't 15:05:34

16 enough to tell that story. 15:05:36

17 Q. Did you ask for any changes to be made to the 15:05:39

18 maintenance of the data after your investigation? 15:05:44

19 MR. BAKER: Objection to form. 15:05:45

20 THE WITNESS: I don't remember. 15:05:48

21 BY MR. GONZALEZ: 15:05:48

22 Q. Did you at any point up until today recommend 15:05:51

23 that there be any changes -- security measures to the 15:05:54

24 information contained on the SVN repository? 15:06:00

25 MR. BAKER: Objection to form. 15:06:02

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 238

1 have to have permission to use the system; fair? 15:15:06

2 A. Any interaction with the server has to be 15:15:08

3 checked against the access control list. 15:15:12

4 Q. And do you know today how many people are on 15:15:15

5 the access control list for this repository? 15:15:19

6 A. I don't know. 15:15:20

7 Q. All those people that you investigated, they 15:15:26

8 were all on the list; right? 15:15:27

9 A. I don't know, actually. If I were -- if I 15:15:32

10 were to conjecture, I don't actually think that all of 15:15:36

11 them were. 15:15:36

12 Q. And then after -- you say, "We all do full 15:15:40

13 checkouts and it makes me uncomfortable to think that 15:15:43

14 lawyers are trying to ascribe suspicion to it." 15:15:47

15 Do you see that? 15:15:48

16 A. I do see that. 15:15:49

17 Q. Those words are pretty self-explanatory, but 15:15:51

18 what you meant there was that you don't want lawyers 15:15:54

19 saying that just because somebody downloaded the 15:15:57

20 entire database, that means that there's something 15:15:58

21 fishy going on; right? 15:16:02

22 MR. BAKER: Objection to form. 15:16:03

23 THE WITNESS: So, clearly, the lawyers had quite a 15:16:05

24 bit more context than I had at this point in the 15:16:08

25 investigation. 15:16:09

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 239

1 BY MR. GONZALEZ: 15:16:09

2 Q. Right.

3 But regardless of whatever they knew, your 15:16:10

4 state of mind, when you wrote this e-mail, was that 15:16:12

5 you didn't want lawyers suggesting to anyone that it 15:16:15

6 was suspicious to download the entire database because 15:16:18

7 you knew that that's how you programmed the 15:16:20

8 instructions to operate; correct? 15:16:21

9 MR. BAKER: Counsel, if you can let the witness 15:16:24

10 finish his answers, please. 15:16:27

11 MR. GONZALEZ: I thought he did.

12 MR. BAKER: And objection to form. 15:16:29

13 THE WITNESS: That was long. Could you repeat 15:16:30

14 that, please. 15:16:32

15 BY MR. GONZALEZ: 15:16:32

16 Q. Yeah. 15:16:32

17 The reason why it was making you 15:16:34

18 uncomfortable that lawyers would ascribe suspicion to 15:16:39

19 downloading the entire repository is because you knew 15:16:42

20 that anybody who followed your instructions would 15:16:46

21 automatically download the entire repository; true? 15:16:50

22 MR. BAKER: Objection to form. 15:16:51

23 THE WITNESS: I was concerned about setting a 15:16:55

24 precedent for that one action in isolation being in 15:17:02

25 and of itself a marker of suspicion. 15:17:06

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 317

1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER  
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby  
declare:

3 That, prior to being examined, the witness named  
in the foregoing deposition was by me duly sworn  
4 pursuant to Section 30(f)(1) of the Federal Rules of  
Civil Procedure and the deposition is a true record of  
5 the testimony given by the witness;

That said deposition was taken down by me in  
6 shorthand at the time and place therein named and  
thereafter reduced to text under my direction;

7 ----- That the witness was requested to  
8 review the transcript and make any changes to the  
transcript as a result of that review pursuant to  
9 Section 30(e) of the Federal Rules of Civil Procedure;

----- No changes have been provided by the  
10 witness during the period allowed;

11 ----- The changes made by the witness are  
12 appended to the transcript;

--X--- No request was made that the transcript  
13 be reviewed pursuant to Section 30(e) of the Federal  
14 Rules of Civil Procedure.

I further declare that I have no interest in the  
15 event of the action.

16 I declare under penalty of perjury under the laws  
17 of the United States of America that the foregoing is  
true and correct.

18 WITNESS my hand this 7th day of September, 2017.  
19  
20  
21  
22  
23

24 <%signature%>

25 ANRAE WIMBERLEY, CSR NO. 7778